



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2649

Introduced 1/20/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2003
735 ILCS 5/8-2005

from Ch. 110, par. 8-2003

Amends the Code of Civil Procedure. Provides that records of health care practitioners shall be made available for examination or copying to any person, entity, or organization presenting a valid authorization for the release of records. Provides that records of an attorney shall be made available for examination or copying to any person, entity, or organization presenting a valid authorization for the release of those records, subject to conditions currently in the Section.

LRB094 18672 AJO 54032 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 8-2003 and 8-2005 as follows:

6 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

7 Sec. 8-2003. Records of health care practitioners. In this
8 Section, "practitioner" means any health care practitioner,
9 including a physician, dentist, podiatrist, advanced practice
10 nurse, physician assistant, clinical psychologist, or clinical
11 social worker. The term includes a medical office, health care
12 clinic, health department, group practice, and any other
13 organizational structure for a licensed professional to
14 provide health care services. The term does not include a
15 health care facility as defined in Section 8-2001.

16 Every practitioner shall, upon the request of any patient
17 who has been treated by such practitioner, or any person,
18 entity, or organization presenting a valid authorization for
19 the release of records signed by the patient or the patient's
20 legally authorized representative, permit the patient and the
21 patient's practitioner or authorized attorney, or any person,
22 entity, or organization presenting a valid authorization for
23 the release of records signed by the patient or the patient's
24 legally authorized representative, to examine and copy the
25 patient's records, including but not limited to those relating
26 to the diagnosis, treatment, prognosis, history, charts,
27 pictures and plates, kept in connection with the treatment of
28 such patient. Such request for examining and copying of the
29 records shall be in writing and shall be delivered to such
30 practitioner. Such written request shall be complied with by
31 the practitioner within a reasonable time after receipt by him
32 or her at his or her office or any other place designated by

1 him or her.

2 The requirements of this Section shall be satisfied within
3 30 days of the receipt of a written request. If the
4 practitioner needs more time to comply with the request, then
5 within 30 days after receiving the request, the practitioner
6 must provide the requesting party with a written statement of
7 the reasons for the delay and the date by which the requested
8 information will be provided. In any event, the practitioner
9 must provide the requested information no later than 60 days
10 after receiving the request.

11 The practitioner shall be reimbursed by the person
12 requesting such records at the time of such copying, for all
13 reasonable expenses, including the costs of independent copy
14 service companies, incurred by the practitioner in connection
15 with such copying not to exceed a \$20 handling charge for
16 processing the request for copies, and 75 cents per page for
17 the first through 25th pages, 50 cents per page for the 26th
18 through 50th pages, and 25 cents per page for all pages in
19 excess of 50 (except that the charge shall not exceed \$1.25 per
20 page for any copies made from microfiche or microfilm), and
21 actual shipping costs. These rates shall be automatically
22 adjusted as set forth in Section 8-2006. The physician or other
23 practitioner may, however, charge for the reasonable cost of
24 all duplication of record material or information that cannot
25 routinely be copied or duplicated on a standard commercial
26 photocopy machine such as x-ray films or pictures.

27 A health care practitioner must provide the public with at
28 least 30 days prior notice of the closure of the practitioner's
29 practice. The notice must include an explanation of how copies
30 of the practitioner's records may be accessed by patients. The
31 notice may be given by publication in a newspaper of general
32 circulation in the area in which the health care practitioner's
33 practice is located.

34 Failure to comply with the time limit requirement of this
35 Section shall subject the denying party to expenses and
36 reasonable attorneys' fees incurred in connection with any

1 court ordered enforcement of the provisions of this Section.
2 (Source: P.A. 92-228, eff. 9-1-01; 93-87, eff. 7-2-03.)

3 (735 ILCS 5/8-2005)

4 Sec. 8-2005. Attorney's records. This Section applies only
5 if a client and his or her authorized attorney have complied
6 with all applicable legal requirements regarding examination
7 and copying of client files, including but not limited to
8 satisfaction of expenses and attorney retaining liens.

9 Upon the request of a client, an attorney shall permit the
10 client's authorized attorney, or any person, entity, or
11 organization presenting a valid authorization for the release
12 of records signed by the client or the client's legally
13 authorized representative, to examine and copy the records kept
14 by the attorney in connection with the representation of the
15 client, with the exception of attorney work product. The
16 request for examination and copying of the records shall be in
17 writing and shall be delivered to the attorney. Within a
18 reasonable time after the attorney receives the written
19 request, the attorney shall comply with the written request at
20 his or her office or any other place designated by him or her.
21 At the time of copying, the person requesting the records shall
22 reimburse the attorney for all reasonable expenses, including
23 the costs of independent copy service companies, incurred by
24 the attorney in connection with the copying not to exceed a \$20
25 handling charge for processing the request for copies, and 75
26 cents per page for the first through 25th pages, 50 cents per
27 page for the 26th through 50th pages, and 25 cents per page for
28 all pages in excess of 50 (except that the charge shall not
29 exceed \$1.25 per page for any copies made from microfiche or
30 microfilm), and actual shipping costs. These rates shall be
31 automatically adjusted as set forth in Section 8-2006. The
32 attorney may, however, charge for the reasonable cost of all
33 duplication of record material or information that cannot
34 routinely be copied or duplicated on a standard commercial
35 photocopy machine such as pictures.

1 An attorney shall satisfy the requirements of this Section
2 within 60 days after he or she receives a request from a client
3 or his or her authorized attorney. An attorney who fails to
4 comply with the time limit requirement of this Section shall be
5 required to pay expenses and reasonable attorney's fees
6 incurred in connection with any court-ordered enforcement of
7 the requirements of this Section.

8 (Source: P.A. 92-228, eff. 9-1-01.)